

KARNATAKA ACT NO. 03 OF 2011

THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2011

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new Chapter IIIA

STATEMENT OF OBJECTS AND REASONS

Amending Act 03 of 2011.- One of the mandatory reforms to be undertaken by the State Government under the Jawaharlal Nehru National Urban Renewal Mission is to enact a law providing for community participation in the Municipal Corporations having a population exceeding three lakhs. It requires the establishment of a three tier structure of governance at the level of municipal council, ward Committee and area sabha.

The State Government, in the Memorandum of Agreement (MOA) entered into with Government of India has already committed to fulfil this reform, and passed orders dated: 05-10-2007 affirming the same.

Therefore, it is considered necessary to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to provide for the following:-

- (i) Constitution of Area Sabhas and Ward Committees.
- (ii) Entrusting functions and duties to the Area Sabha and Ward Committees and
- (iii) Institutionalizing citizen participation.

Hence the Bill.

[L.A. Bill No.1 of 2011, File No.Samvyashae 27 Shasana 2010]

[Entry 5 of List II of the Seventh schedule to the constitution of India.]

KARNATAKA ACT NO. 03 OF 2011

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THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 2011

(Received the assent of the Governor on the First day of February, 2011)

An Act further to amend the Karnataka Municipal Corporations Act, 1976 to provide for the constitution of Area Sabha and Ward Committees in the State of Karnataka to institutionalise community participation in municipal functions and to provide for matters connected therewith or incidental thereto.

Whereas it is expedient further to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) to provide for the constitution of Area Sabha and Ward Committees in the State of Karnataka to institutionalize community participation in municipal functions, and to provide for matters connected therewith or incidental thereto;

Be it enacted by the Karnataka State Legislature in the sixty first year of the Republic of India as follows, namely:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government, may, by notification, appoint.

2. Insertion of new Chapter IIIA.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for section 13A, the following shall be substituted, namely:-

“CHAPTER - IIIA

Area sabhas and Ward Committees

13A. Definitions and application.- (1) In this Chapter, unless the context otherwise requires,-

- (a) “Area” means an area, determined in the manner specified in section 13B;
- (b) “Area Sabha” means, in relation to an Area, a body of all the persons who are registered as voters in the electoral rolls pertaining to any polling station of that Area;
- (c) “Association” means a trust, society, association or organization registered under Karnataka Societies Registration Act, 1960 and fulfil the conditions specified in sub-clause (iii) of clause (c) of sub-section (2) of section 13H.
- (d) “Polling Station” means Polling station set up for conducting elections to the Corporation;
- (e) “Ward Committee” means a committee constituted under section 13H.
- (f) “Ward Development Scheme” shall be the development scheme prepared by the Ward Committee for the budget allotted to it by the Corporation.

(2) The provisions of this Chapter shall apply to such of the Corporations as may be notified by the State Government.

13B. Determination of Areas.- The State Government shall by order determine,-

- (a) the areas into which each Ward may be divided; and
- (b) each area shall comprise the polling area of one or more contiguous polling stations in a ward, but in any case not exceeding total area of five such polling stations:

Provided that polling area of any polling station shall not be divided into two or more areas.

13C. Constitution of Area Sabha.- (1) There shall be an Area Sabha for each area.

(2) All persons who are registered as voters in the electoral rolls of the polling stations in an area shall be members of that Area Sabha.

13D. Representatives of Area Sabha.- (1) Each area shall have an area sabha representative who shall be nominated by the Corporation on the recommendation of the councilor of the particular ward:

Provided that, if no recommendation is received within ninety days from the date of constitution or reconstitution of the Corporation, the Commissioner shall recommend names to the Corporation for nomination.

(2) If councillor of any ward, for any reason ceases to be the Councillor before the expiry of the term of the Corporation, the Area Sabha Representatives of that ward shall also cease to be Area Sabha Representatives and new Area Sabha Representatives shall be nominated in accordance with sub-section (1).

(3) The Area Sabha Representative shall be a member of that Area Sabha.

(4) Any person disqualified for being elected as a Councillor shall not be nominated as Area Sabha Representative.

13E. Term of office.- Except as provided in sub-section (2) of section 13D, the term of office of an Area Sabha Representative shall be co-terminus with that of the Councilor Corporation concerned:

Provided that no person shall continue to be a Area Sabha Representative if, at any time during his tenure, he incurs any of the disqualifications prescribed by or under any law for the time being in force for the purpose of election to the Corporation concerned:

Provided further that no person shall continue or be entitled to hold office as Area Sabha Representative of an Area Sabha of which he ceases to be a member.

13F. Meeting of the Area Sabha.- (1) The Area Sabha shall meet at least once in three months. The Area Sabha Representative shall preside over the meeting of the Area Sabha.

(2) An officer of appropriate rank shall be designated by the Commissioner of the Corporation to act as a nodal officer for each Area Sabha and who shall provide all administrative assistance to the Area Sabha Representative in conducting meetings of the Area Sabha. The nodal officer shall be the convener of the Area Sabha meetings and shall convene the meeting in consultation with the Area Sabha Representative. All minutes of the proceedings of the meeting shall be recorded by the nodal officer and a copy of the same shall be forwarded by him to the Ward Committee.

(3) All decisions in the Area Sabha shall be as far as possible be arrived at through a consensus of all the members present. Where consensus is not possible, the decision shall be taken by the majority of the members present.

13G. Functions and duties of the Area Sabha.- An Area Sabha may, having regard to its managerial, technical, financial and organizational capacity, and the actual conditions prevailing in the Corporation, perform and discharge the following functions and duties, namely:-

- (1) It shall forward proposals for schemes and development programmes to be implemented in the area, to the Ward Committee, or in its absence to the Corporation, for inclusion in the ward development scheme and programs and schemes implemented by the Corporation.
- (2) It shall select eligible persons from the area for beneficiary oriented schemes of the Corporation and forward the same for approval of the Ward Committee or in its absence, to the Corporation.
- (3) It shall cross verify the eligibility of persons getting various kinds of welfare assistance from Government such as pensions and subsidies and submit list of ineligible beneficiaries, if any, to the Ward Committee or in its absence, to the Corporation.
- (4) It shall support tax mapping and to remind and encourage Area Sabha members of their obligations to pay municipal taxes and user charges.
- (5) It may identify the deficiencies in the water supply and suggest remedial measures.
- (6) It may identify deficiencies in the sanitation arrangements and suggest remedial measures.
- (7) It may identify the deficiencies in the street lighting arrangements and suggest remedial measures.

- (8) It shall impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution and parks and such other public amenity schemes in the area.
- (9) It may assist the activities in public health centers in the area, especially in disease prevention and family welfare and create awareness and to report outbreak of epidemics and natural calamities.
- (10) It shall provide and mobilize voluntary labour and contributions in cash and kind for development programmes and to supervise such development works through volunteer organizations.
- (11) It shall promote harmony and unity among various groups of people in the Area and encourage cultural and sports activities;
- (12) It may co-operate with the Ward Committee in discharging of any functions assigned to it. and
- (13) It shall perform such other functions as may be assigned to it by the Corporation in accordance with the bye-laws.

13H. Composition, territorial area and manner of filling of seats in Ward Committee.- (1) There shall be a Ward Committee for each ward in the Corporation.

(2) The Ward Committee shall consist of the following, namely:-

- (a) the Councillor of the Corporation representing the Ward, shall be the Chairperson of the Ward Committee;
- (b) ten other members to be nominated by the Corporation; out of which, there shall be,-
 - (i) at least two members belonging to the Scheduled Castes and the Scheduled Tribes;
 - (ii) at least three women members; and
 - (iii) at least two members representing residents Associations, whatever name called satisfying all conditions mentioned below, namely:-
 - (a) its registered office shall be located with in the jurisdiction of that ward;
 - (b) it shall represent majority of residents, or civic groups, or commercial groups or industrial groups;
 - (c) it shall have been actively engaged in its activities for not less than three years; and
 - (d) it shall be a registered Association by whatever name called, comprising of individuals who serve in a fiduciary capacity;

(3) Any person disqualified from being elected as a Councillor shall not be nominated as member of the Ward Committee.

(4) An officer of appropriate rank shall be designated by the Commissioner of the Corporation to act as Secretary for each Ward Committee to provide all administrative assistance to it. All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the Corporation.

(5) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with Chairperson.

(6) The Ward Committee shall meet at least once in a month.

(7) Decisions of the Ward Committee shall normally be taken by the majority of the nominated members of the Ward Committee:

Provided that the Chairperson may exercise a 'veto' over any decision by giving reasons in writing. The decision of the Chairperson shall be final and binding.

(8) No act done or proceedings taken under this Act by the Ward Committee shall be invalid merely on the ground of any vacancy in it.

(9) The Commissioner or his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairperson of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings.

(10) The term of the nominated members shall be co-terminus with the term of the office of the Corporation.

(11) Notwithstanding anything contained in this Act, the Corporation may in addition to the allotment of funds to various projects in the budget, also allot not less than the prescribed amount towards ward development scheme to each ward which shall be utilised by the ward committee in the manner as may be prescribed.

13I. Functions of the Ward Committee.- (1) The Ward Committee shall discharge the following functions, namely:-

- (a) prepare and submit Ward Development Scheme to the corporation for allotment of funds;
- (b) ensure proper utilization of the funds allotted under ward development scheme in the ward.
- (c) approve the list of beneficiaries for beneficiary oriented schemes of the Corporation submitted by Area Sabhas falling under that ward;
- (d) scrutinize list of ineligible beneficiaries submitted by the Area Sabhas and submit it to the Corporation;
- (e) supervise all programmes and schemes being implemented by the Corporation in the ward;
- (f) ensure timely collection of taxes, fees and other sums due to the Corporation;
- (g) ensure water supply maintenance in the ward and finalize location of new public taps and public wells;
- (h) ensure sewerage system maintenance in the ward;
- (i) ensure proper solid waste management and sanitation work in the ward and finalize location of new public sanitation units;
- (j) ensure maintenance of street lighting in the ward and finalize location of new street lights;
- (k) ensure maintenance of parks, open spaces, greening of area in the ward;
- (l) ensure afforestation, and implementation of rain water harvesting schemes;
- (m) mobilize voluntary labour and donation by way of goods or money for implementation of Ward Development Scheme and various programmes and schemes of Corporation;
- (n) inform the Corporation regarding any encroachment of land belonging to the Corporation;
- (o) perform such other functions as may be assigned to it by the Corporation as per its bye-laws.

(2) The procedure to be adopted by the Ward Committee in the transaction of its business shall be as may be prescribed in the rules.

13J. Bye-laws.- Every Corporation to which this Chapter is made applicable shall notify bye-laws for transaction of business and for finance and accounting procedures governing the working of Area Sabhas and Ward Committees, within six months from the date of coming into force of this Chapter in that Corporation.

13K. Power to make rules.- Subject to the provisions of this Act, the State Government may, after previous publication, make rules to provide for any matter which is to be or may be prescribed by rules.

13L. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the official Gazette make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

(2) Every order so made shall be laid as soon as may be after it is made before each House of the State Legislature.”

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA

Secretary to Government,

Department of Parliamentary Affairs and Legislation